S.B. Criminal Misc. Bail Application No.4725/2006
S.B. Criminal Misc. Bail Application No.4726/2006
S.B. Criminal Misc. II Bail Application No.4754/2006

Date : 01.11.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. H.S.S. Kharlia)
Mr. M.K. Garg) for applicants.
Mr. V.R. Mehta, Public Prosecutor.
Mr. R.S. Gill for complainant.

The present bail applications arise out of same FIR, therefore, they are being disposed of by this common order.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that infact the accused persons filed a complaint and on that a case was registered. It is submitted that both the parties have sustained injuries and now the charge-sheet has been filed. It is further submitted that injuries sustained by

complainant are not on vital part of body. It is submitted that bail application moved on behalf of Kushal Singh was rejected when charge-sheet was not filed and now the charge-sheet has been filed. It is also submitted that in relation to the land in dispute the matter was agitated up to the level of the High Court by way of filing writ petition i.e. S.B. Civil Writ Petition No.3887/89 (Goma Ram Vs. State & Ors.) and that writ petition was decided on 18.11.2006 with the direction that allotment matter in relation to the land in question be decided by the State Government within a period of six months. It was also ordered that the possession of Goma Ram over the land in dispute shall continue till the matter is decided either by the State Government or by the allotting authority. The contention of learned counsel is that both the parties have received injuries and now the matter is pending for trial, therefore, in above circumstances, the applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant opposed the bail applications and submit that earlier bail application of Kushal Singh was rejected and there are number of injuries on

the person of the complainant, therefore, the applicants should not be enlarged on bail.

I have considered the submissions made before me and carefully perused the material available on record.

Without expressing any opinion on the merit of the case, while taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail applications filed under Sec. 439 Cr.P.C. are allowed and it is directed that the applicants (1) Madan Lal S/o Jammu Ram (2) Mohan Lal S/o Jammu Ram (3) Satnam Chand S/o Nimbahu Ram (4) Jammu Ram S/o Nimbahu Ram (5) Mangal Das S/o Jammu Ram (6) Ashok Kumar S/o Jammu Ram (7) Ramesh Kumar S/o Roopa Ram and (8) Kushal Singh S/o Sohan Singh shall be released on bail in FIR No.419/2006 P.S. Suratgarh, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to

the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant